

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Robert O. Bruckner et al.	§	Art Unit:	2116
Serial No.:	09/918,130	§	Examiner:	Tse W. Chen
Filed:	July 30, 2001	§	Assignee:	Intel Corporation
Title:	Power Down A Computer In Response To A Thermal Event	§	Docket No.	ITL.0645US (P12309)

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

Applicant seeks pre-appeal review of the rejections of claims 18-26. Claims 18, 21, 23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain in view of Howard; claims 19 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Howard and further in view of Barron; claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Howard and further in view of alleged Applicant's Admission of Prior Art (AAPA); claims 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hussain and Howard and further in view of Ceccherelli. The § 103 rejections are discussed below.

In the Final Office Action, the Examiner refers to the language in Howard beginning on line 56 of column 2 and extending to line 4 of column 3 and contends this language provides the alleged suggestion or motivation for the modification of Hussain's computer system to derive the

Date of Deposit: November 3, 2005

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Janice Munoz

claimed invention. Final Office Action, 8-9. However, a *prima facie* case of obviousness has not been established for at least the following reasons.

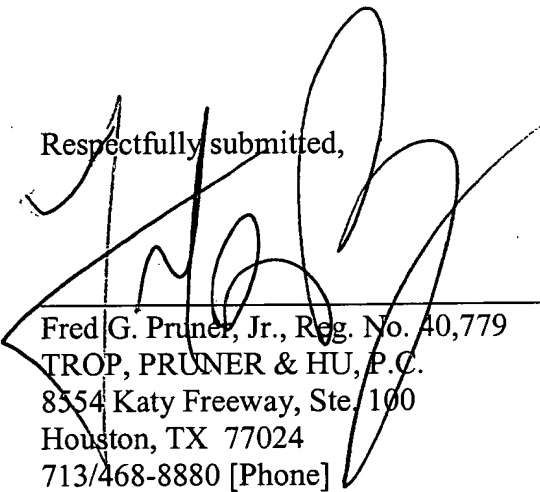
Howard is directed solely to a *power management* technique to *conserve power* in a computer system (*emphasis added*). As such, Howard is concerned with shutting down processors, I/O controllers, memory controllers, etc., but this "shut down" does not occur in the context of shutting down the entire computer system. Such a complete shut down would defeat the purpose of Howard's power management technique, a technique for a *partially or fully powered up* computer system in which parts of the computer system are turned off based on the work load (*emphasis added*). See, for example, Howard, 5:7-22.

Hussain is directed to shutting down a computer system when a thermal event is encountered. Thus, contrary to Howard, Hussain is directed to the *complete shut down* of the computer system, not to a technique to conserve power in the computer system (*emphasis added*). As such, the hypothetical combination of Hussain and Howard fails to teach or suggest the claimed invention, in that there is no motivation or suggestion to modify Hussain's system shut down technique to shut down a particular processor before the rest of the computer system. In other words, the selective processor shut down that is disclosed in Howard pertains to merely conserving power in an active computer system in that only the minimum number of processors are kept active in Howard. Howard is not, however, directed to an order in which circuitry is turned off in the complete shut down of a computer system. Thus, Howard fails to provide guidance of how components should be turned off in response to a thermal event. Rather, the Office Action is improperly combining elements from Howard and Hussain in hindsight to derive the claimed invention.

Therefore, for at least the reason that the hypothetical combination of Howard and Hussain fails to produce the claimed invention, withdrawal of the § 103(a) rejections of claims 18-26 is respectfully requested.

Respectfully submitted,

Date: November 3, 2005



Fred G. Pruner, Jr., Reg. No. 40,779  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Ste. 100  
Houston, TX 77024  
713/468-8880 [Phone]  
713/468-8883 [Fax]

Attorney for Intel Corporation



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL.0645US (P12309)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on

November 3, 2005

Signature

Janice Munoz

Typed or printed  
name

Application Number

09/918,130

Filed

July 30, 2001

First Named Inventor

Robert O. Bruckner et al.

Art Unit

2116

Examiner

Tse W. Chen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)☒

attorney or agent of record.

40,779

Registration number

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

  
Signature  
Fred G. Pruner, Jr.  
Typed or printed name

(713) 468-8880

Telephone number

November 3, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☒

\*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.